

# Notice of Allowability

Application No.

10/798,202

Examiner

Justin R. Fischer

Applicant(s)

BLACKMORE ET AL.

Art Unit

1733

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 November 2006.
2. ☒ The allowed claim(s) is/are 16-20, 30-33, and 45-49 (renumbered 1-14).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application is in condition for allowance except for the presence of claims 1-15, 21-29, and 34 directed to (a) a method of inserting and heating a coiled support and further introducing/injecting a chemical reactant into the ground and (b) a method of impregnating a support and arranging said support on the outside of a pipe non-elected without traverse. Accordingly, claims 1-15, 21-29, and 34 have been cancelled.

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David McEwing on February 12, 2007.

The application has been amended as follows:

### **In the specification:**

Page 1, Line 7: the word "pending" is deleted.

Page 1, Line 9: the language --now US Patent 7,135,087,-- is inserted after the language "2004,".

Page 1, Line 9: the word "pending" is deleted.

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Page 1, Line 11: the language --, now US Patent 7,073,536-- is inserted after the language "2001".

Page 1, Line 11: the language "February 2, 2001" is deleted and replaced with --April 28, 2003--:

**In the claims:**

Claims 1-15, 21-29, and 34 are cancelled.

Claim 16, Line 12: the language --into the ground-- is added after the word "reactant".

***Allowable Subject Matter***

3. Claims 16-20, 30-33, and 45-49 (renumbered 1-14) are allowed. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is Kamiyama (JP 06-320624, of record), which discloses a pipe rehabilitation method comprising applying liners 4 and 5 and injecting a chemical reactant or foam grout 3 into the ground (Paragraphs 10 and 11). It is further noted that each of the claimed liner installation methods represents a well known and commonly used technique that would have been readily appreciated by one of ordinary skill in the art at the time of the invention. The claims, however, require that the chemical reactant be injected "from the ground". As mentioned above, the grout material 3 is injected into the ground (through cracks located in pipes 1 and 2) due to the inversion of an impregnation liner 12. Thus, in the method of Kamiyama, the chemical reactant or grout is injected from the pipe, as opposed to "from the ground".

One of ordinary skill in the art at the time of the invention would not have found it obvious to inject the chemical reactant or grout of Kamiyama "from the ground".

It is additionally noted that there is no applicable double patenting rejection over US 7,135,087. In particular, the methods of '087 involve the use of an inflatable bladder or expandable mold (bladder). One of ordinary skill in the art at the time of the invention would not have found it obvious to include the bladder or mold of US '087 in accordance to the claimed method (e.g. coiling expandable support and releasing tension).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Justin R Fischer  
Primary Examiner  
Art Unit 1733

JRF  
April 11, 2007